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JUL 21 2004

**S-92,235**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**OFFICIAL**

Applicant : Marshall H. Mendelsohn  
Serial No. : 09/842,818  
Filed : April 27, 2001  
Group : 1741  
Examiner : Medina Sanabria, Maribel  
Customer No.: 31970  
Title : Method for Combined Removal of Mercury and Nitrogen  
Oxides From Off-Gas Streams

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**PETITION FOR THE WITHDRAWAL**  
**OF THE HOLDING OF ABANDONMENT**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**ATTN: OFFICE OF PETITIONS**

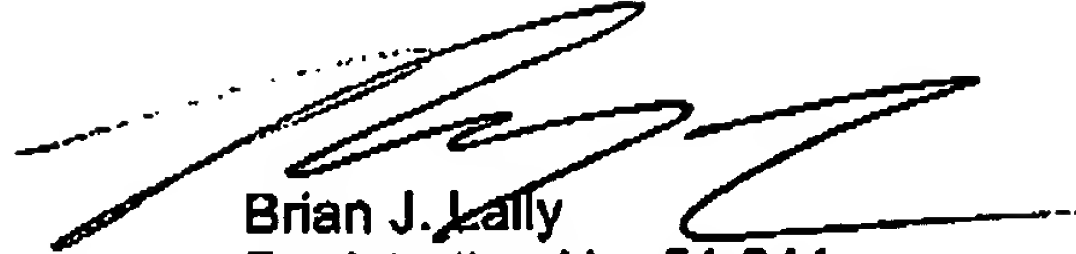
Sir:

This Petition is being resubmitted in response to a Notice of Abandonment issued for the above-identified application. The original petition was filed on March 11, 2004, a USPTO dated stamped copy attached herewith, however, the PTO has no record of such petition. Therefore, Applicants are resubmitting this petition for Withdraw of Holding of Abandonment. Applicants kindly request that this resubmitted petition be expedited due to delays caused by the apparent loss of the original petition within the USPTO.

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**S-92,235**

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian J. Lally', is written over the typed name.

Brian J. Lally  
Registration No. 51,911  
Attorney for Applicants  
630-252-2042

**Attachments**

**Dated: July 21, 2004**

FIELD GROUP: CHI/BJL  
FORWARDED: 4-15-04 BY: LCB

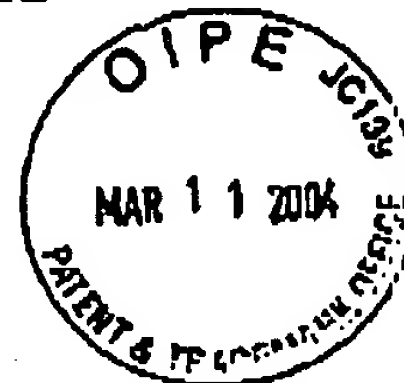
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JUL 21 2004

**Paul A. Gottlieb**  
**Assistant General Counsel for Technology Transfer**  
**and Intellectual Property**  
**United States Department of Energy**  
**GC-62 (FORSTL), MS 6F-067**  
**1000 Independence Ave., S.W.**  
**Washington, D. C. 20585-0162**  
**202-586-2810**  
**(FAX 202-586-7127)**

**OFFICIAL**

APPLICANT(S) : Marshall H. Mendelsohn, et al.  
SERIAL NO. : 09/842,818  
DOE CASE : S-92,235  
FILED : April 27, 2001  
TITLE : METHOD FOR COMBINED REMOVAL OF MERCURY  
AND NITROGEN OXIDES FROM OFF-GAS STREAMS  
GROUP : 1741  
CUSTOMER NUMBER: 31970



Receipt is acknowledged of the following for the above-identified case:

- ▶ **Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action, w/attachments:**
  - ▶ **Declaration of Betty A. Winchester**

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S-92,235 JUL 21 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

Applicant : Marshall H. Mendelsohn, et al.  
Serial No. : 09/842,818  
Filed : April 27, 2001  
Title : METHOD FOR COMBINED REMOVAL OF MERCURY AND  
NITROGEN OXIDES FROM OFF-GAS STREAMS  
Group : 1741  
Examiner : Medina Sanabria, Maribel  
DOE Case No.: S-92,235  
Customer No.: 31970



PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE OFFICE ACTION

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

ATTN: Office of the Deputy Assistant Commissioner for Patents  
Petitions Examiner, Building CP3, Room 11A09

Sir:

This Petition is being submitted in response to a Notice of Abandonment dated February 23, 2004 for the above-identified application.

Applicants request that the Holding of Abandonment for the abovementioned application be removed because Applicants never received the original Notice of Allowance (dated October 21, 2003) and thus had no opportunity to respond to the original Notice of Allowance within the statutory 3

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**S-92,235**

month period. Applicants only received the Notice of Allowance on February 2, 2004, after Brian Lally, Attorney for Applicants, inquired into the status of the present case.

The Notice of Abandonment states that Applicant failed to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

This Petition transmits documents which should provide satisfactory evidence that the Notice of Allowance referenced in the Notice of Abandonment was not received by Applicant.

The attachment is:

1. Declaration of Betty A. Winchester with attachment

Applicant therefore declares that the Notice of Allowance (dated October 21, 2003) was not received and that the Holding of Abandonment occurred through no fault of the applicants or their representative.

**S-02,235**

In view of these facts, Applicants attorney respectfully petitions that the Holding of Abandonment of this application be withdrawn and the Notice of Allowance be remailed to Applicants with a time period set for response.

Sincerely,



Brian J. Lally  
Registration No. 51,911  
Attorney for Applicants  
630-252-2042

Attachments

Dated: March 10, 2004

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JUL 21 2004

**S-92,235**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Marshall H. Mendelsohn, et al.  
Serial No. : 09/842,818  
Filed : April 27, 2001  
Title : METHOD FOR COMBINED REMOVAL OF MERCURY AND  
NITROGEN OXIDES FROM OFF-GAS STREAMS  
Group : 1741  
Examiner : Medina Sanabria, Maribel  
DOE Case No.: S-92,235  
Customer No.: 31970

**OFFICIAL**



**DECLARATION OF BETTY A. WINCHESTER  
IN SUPPORT OF  
PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

ATTN: Petitioners Examiner

Sir:

I, Betty A. Winchester, hereby declare:

That I am a Paralegal Specialist in the Office of the Assistant General  
Counsel for Technology Transfer and Intellectual Property of the United States  
Department of Energy;

That I was in that position in October 2003;

**S.N. 09/842,818****S-92,235**

That my duties at that time included the processing of all domestic Notices, Office Actions and other forms of Communications received from the U.S. Patent and Trademark Office (PTO);

That our office procedure is that all such Notices would be delivered to me by the person who opens the mail, unless I personally opened the mail, in which case I take them to my desk;

That I maintain a computerized record of all received Notices of Allowance and Office Actions due, as well as other papers from the U.S. Patent and Trademark Office (PTO);

That I maintain a file wrapper record of all received Notices of Allowance and other PTO documents;

That upon receiving a Notice of Allowance from the PTO, I enter the action code and the due date into the database;

That upon receiving a Notice of Allowance from the PTO, I would place a copy of the Allowance in the file and enter a record of that paper on the front of the file wrapper;

That attached hereto as Exhibit A is a copy of our file wrapper record of application serial number 09/842,818, showing that the formal application was filed on Apr. 27, 2001, and other notices or communications/office actions received from the United States Patent and Trademark Office for this case;



**S.N. 09/842,818****S-92,235**

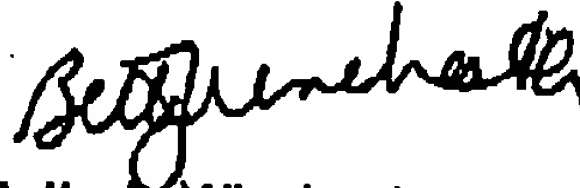
That if a Notice of Allowance for application serial number 09/842,818 had been delivered to me at any time during 2003, I would have processed it as stated above;

That I do not believe a Notice of Allowance for application for application serial number 09/842,818, was ever delivered to me or was ever in any mail opened by me;

That I acknowledge that willful false statements and the like so made are punishable by fine or Imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of application serial number 09/842,818 or any patent which may be issue thereon.

That all statements made herein are of my own knowledge and belief are true and that all statements made on information and belief are believed to be true.

Respectfully submitted,



Betty A. Winchester  
Paralegal Specialist  
Office of the Assistant General Counsel for  
Technology Transfer and Intellectual Property  
U.S. Department of Energy  
Washington, D.C.  
202-586-2810

Attachment:  
Exhibit A

Dated: March 11, 2004

APPLICANT MENDELSON and LIVENGOOD SER. NO. 09/842,818 FILE NO. 5-92,235 PAT. NO.

STATUS: Continued Removal of Nitrogen Oxides from  
SERIAL NO. 5-92,235 TITLE Continued Removal of Nitrogen Oxides from FILED

ASSIGNED TO Continued Removal of Nitrogen Oxides from RIGHTS A DATED 4-12-2001  
RECORDED 15575 REEL 15575 FRAME(S) 0354

OFFICE ACTION	RESPONSE DUE	AMENDED
1.		<u>Non-Patented 4-27-01</u>
2. <u>Rejection</u>	<u>1-27-03</u>	<u>filed 4-27-01</u>
3. <u>Rejection</u>	<u>7-23-03</u>	<u>1-27-03 w/ amendment</u>
4. <u>Rejection</u>	<u>3-11-04</u>	<u>7-23-03</u>
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

RECEIVED PATENT NO. 5-92,235 DATED 4-12-2001

FOREIGN FILING Continued Removal of Nitrogen Oxides from

CLASSIFICATION Continued Removal of Nitrogen Oxides from DECLASSIFIED Continued Removal of Nitrogen Oxides from S.O. RESCINDED Continued Removal of Nitrogen Oxides from

FIELD OFFICE: Continued Removal of Nitrogen Oxides from  
☒ CHECK HERE WHEN ENTERED INTO COMPUTER  
PTO Drawing Request Continued Removal of Nitrogen Oxides from  
Proposed Drawing Correction Filed Continued Removal of Nitrogen Oxides from  
Corrections Requested Continued Removal of Nitrogen Oxides from  
Corrections Made Continued Removal of Nitrogen Oxides from

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JUL 21 2004

**OFFICIAL**

**U.S. Department of Energy**  
Intellectual Property Law Division  
Chicago Operations Office  
9800 S. Cass Ave.  
Argonne, IL 60439

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**Fax Cover Sheet**

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**DATE:** July 21, 2004**To:** Attn: OFFICE OF PETITIONS USPTO **Fax #** 703-872-9306  
**Voice #** -----**From:** Brian Lally  
Patent Attorney**Voice#** (630) 252-2042  
**Fax #** (630) 252-2779**Re: PLEASE EXPEDITE-Petition to Withdraw Abandonment**

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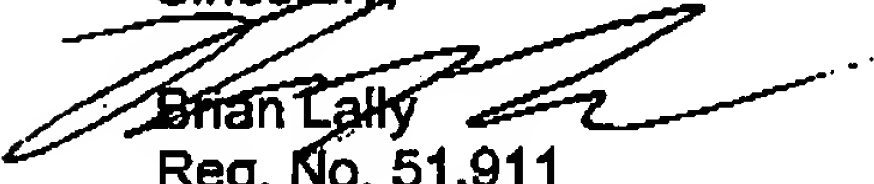
**Number of pages including cover:** 12 total number of pages

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**Message:**

I am resending a petition to withdraw abandonment which was originally sent to the USPTO in March of 2004, and having a USPTO date stamp dated March 11, 2004. Apparently the PTO has no record of this petition even though we have a date stamped document showing that the PTO received our original petition back in March. I would greatly appreciate it if you could expediate this petition.

Sincerely,



Brian Lally  
Reg. No. 51,911  
630-252-2042  
brian.lally@ch.doe.gov

PTO/SB/97 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

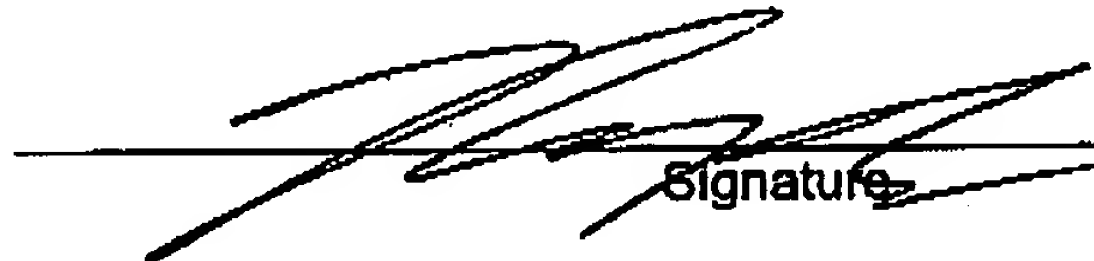
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on 7/21/2004  
Date

  
Signature

Brian Lally Reg. No. 51,911  
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

- Fax cover sheet
- Petition resubmission cover sheet
- Petition to Withdraw Abandonment
- Declaration by Betty Winester
- Receipt from USPTO - date stamped March 11, 2004

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.